

Application No.: 10/705,965Docket No.: 713-984**REMARKS**

The Examiner's indication of allowable subject matter of claims 7-8 is noted with appreciation.

Claims 2 and 6-24 are pending in the application. Claims 1 and 3-5 have been cancelled without prejudice or disclaimer. Claim 7 has been rewritten in independent form to include all limitations of base claim 1 and certain limitations of intervening claim 6, as well as to improve claim language. Claim 6 has been amended to include the indicated allowable subject matter of original claim 7. Claims 2, 8 and 9 have been amended to better define the claimed invention and/or change their dependency. The scope of allowable claim 8 is believed unchanged notwithstanding the above amendments. New claims 10-24 have been added to provide Applicants with the scope of protection to which they are believed entitled. The new claims find solid support in the original specification, especially page 2, line 8 from bottom, and the original drawings. The specification has been revised in the manner kindly suggested by the Examiner in the Office Action. The Abstract has been rewritten to be compliant with commonly accepted US patent practice. No new matter has been introduced through the foregoing amendments.

The objection to the specification is believed overcome in view of the above amendments.

The objection to claim 1 is moot as claim 1 has been cancelled. Amended claim 7 now includes the amendment kindly suggested by the Examiner.

The 35 U.S.C. 102(b) rejection of claims 1-6 and 9 as being anticipated by *JP' 451* is noted. Applicants respectfully disagree, at least, with the Examiner's rejection of claims 2-3 as the Examiner has not specified how *JP' 451* teaches or discloses the limitations of original claims 2 and 3. Notwithstanding, claims 1 and 3-5 have been cancelled, and claims 2, 6 and 9 have been amended to depend from claim 7. The 35 U.S.C. 102(b) rejection is therefore moot or believed overcome.

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Amended claim 7 is believed patentable over the applied reference because the reference clearly fails to teach or suggest the limitation of claim 7 that the "the head portion has an upper surface extending upwardly **beyond the flange.**" See FIG. 1B of *JP' 451* where it is disclosed that the upper surface of central portion 1 is flush with the top point of flange 4.

Claims 2, 6, 8 and 9 depend from claim 7, and are considered patentable at least for the reason advanced with respect to amended claim 7. Claims 6, 8, and 9 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art. In particular, claims 6, 8, and 9 include the indicated allowable subject matter of original claim 7 and should be considered patentable over the art.

New independent claim 10 is patentable over *JP' 451* because the reference clearly fails to teach or suggest the claimed plug for closing a hole in a structural member, said plug comprising: a shank comprising an upper end and a lower end, the upper end having a recess extending downwardly toward the lower end, said recess dividing the upper end into a central portion and an outer, deformable portion radially outwardly spaced from said central portion by said recess, said outer, deformable portion having an engagement region adapted to be deformed by and sealingly engage a wall of the hole when the shank is pressed into and retained by the hole; and a flange extending radially outwardly from said outer, deformable portion and being adapted to sealingly engage an upper surface of the structural member when the shank is pressed into and retained by the hole; wherein said shank has an outer surface which is partially defined by an outer surface of said outer, deformable portion, the outer surface of said shank having a diameter that is greater in said engagement region than in any other region of said shank below said engagement region, the diameter of the outer surface of said shank in the engagement region being adapted to be greater than an inner diameter of the hole, whereby said engagement region is deformed by the wall of the hole when the shank is pressed into and retained by the hole. The highlighted limitation is supported by FIG. 3 where it is disclosed that the outer surface of shank 12 has a diameter that is

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greater in engagement region 32 than in the (triangularly shaped) region below engagement region 32.

In *JP' 451*, the engagement region is circular recess 6. See FIG. 2 and the Abstract, line 7 of *JP' 451*. As can be seen in FIG. 1B of *JP' 451*, the diameter of the outer surface of shank 5 in circular recess 6 is smaller than in the shoulder located immediately below circular recess 6.

New independent claim 10 is thus patentable over the applied reference. New claims 11-17 depend from claim 10, and are considered patentable at least for the reason advanced with respect to claim 10.

As to claims 14-15, *JP' 451* does not fairly teach or suggest the claimed limitation that the central portion has an upper surface extending upwardly beyond the flange, as argued above with respect to claim 7.

As to claim 17, *JP' 451* does not fairly teach or suggest the claimed limitation that the diameter of the outer surface of said shank decreases all the way from said engagement region to a lowermost point of said shank. In *JP' 451*, the corresponding diameter does not decrease all the way from circular recess 6 to the lowermost point of shank 5; it does increase in the region of the shoulder located immediately below circular recess 6.

New independent claim 18 is patentable over *JP' 451* because the reference clearly fails to teach or suggest the claimed plug for closing a hole in a structural member, said plug comprising: a shank comprising an upper end and a lower end, the upper end having a recess extending downwardly toward the lower end, said recess dividing the upper end into a central portion and an outer, deformable portion radially outwardly spaced from said central portion by said recess, said outer, deformable portion having an engagement region adapted to be deformed by and sealingly engage a wall of the hole when the shank is pressed into and retained by the hole; and a flange extending radially outwardly from said outer, deformable portion and having a lower surface

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adapted to sealingly engage an upper surface of the structural member when the shank is pressed into and retained by the hole; wherein an outer surface of said outer, deformable portion has a diameter decreasing from a point, where the lower surface of said flange meets said outer, deformable portion, to a level of a bottom of said recess. The highlighted limitation is supported by FIG. 3 where it is disclosed that the outer surface of deformable portion 32 has a diameter decreasing from a point, where the lower surface of flange 14 meets deformable portion 32, to a level of a bottom of recess 30.

In *JP' 451*, the diameter of the outer surface of deformable portion 5 does not decrease from the point, where the lower surface of flange 4 meets deformable portion 5, to a level of a bottom of recess 3, because the diameter increases in the region of the shoulder located immediately below circular recess 6.

New independent claim 18 is thus patentable over the applied reference. New claims 19-24 depend from claim 18, and are considered patentable at least for the reason advanced with respect to claim 18.

As to claims 20-21, *JP' 451* does not fairly teach or suggest the claimed outer surface of said shank having a diameter decreasing from the point, where the lower surface of said flange meets said outer, deformable portion, to a lowermost point of said shank. As argued above with respect to claims 17 and 18, the corresponding diameter of *JP' 451* increases in the region of the shoulder located immediately below circular recess 6.

As to claims 23-24, *JP' 451* does not fairly teach or suggest the claimed central portion that has an upper surface extending upwardly beyond the flange, as argued with respect to claim 7.

Applicants have carefully reviewed the cited but not applied references and submit that the references do not anticipate or render obviousness the amended and added claims. In particular, both *Miura* references are not prior art as their effective reference dates postdate the claimed

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priority date of the instant application. *JP' 205* and *JP' 364* are no more relevant than applied *JP' 451* in that both references include recesses similar to recess 6 of *JP' 451*. See, e.g., FIG. 3 and FIG. 1 of *JP' 205* and *JP' 364*, respectively.

Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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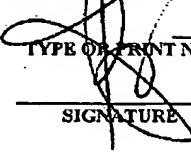


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